

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN POZO,

Plaintiff,
-v-

C.O. PATROLY and C.O. MODICK,

Defendants.

LAURA TAYLOR SWAIN, United States District Judge

USDC SDNY
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No. 09 Civ. 5151 (LTS)(JCF)

ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Francis's December 10, 2009, Report and Recommendation (the "Report") which recommends that Plaintiff Pozo's complaint against Defendants be dismissed without prejudice for failure to timely effect service. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, at *1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).

The Court has reviewed carefully Magistrate Judge Francis's Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Plaintiff's complaint is dismissed without prejudice.

The Clerk of Court is respectfully requested to enter judgment dismissing the action without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, and close this case.

SO ORDERED.

Dated: New York, New York
January 5, 2010



LAURA TAYLOR SWAIN
United States District Judge